

**North Canton City Council Notice  
Committee of the Whole Agenda  
Monday, April 6, 2015 – 7:00 p.m.**

North Canton City Council will meet as a Committee of the Whole **Monday, April 6, 2015 at 7:00 p.m.** in Council Chambers at North Canton City Hall.

Items to be discussed.

Presentation by Michael J. Swan, P.E., Pavement Engineer with Omnipro Services regarding asphalt information.

1. Park and Recreation Committee

Chairperson: Doug Foltz  
Vice Chairperson: Stephanie Werren  
Mark Cerreta  
Dominic Fonte  
Dan Griffith  
Marcia Kiesling  
Daniel Peters

Continued discussion regarding the Dogwood Swimming Pool rates with Ben Wheeler in attendance.

2. Ordinance, Rules and Claims Committee

Chairperson: Stephanie Werren  
Vice Chairperson: Doug Foltz  
Mark Cerreta  
Dominic Fonte  
Dan Griffith  
Marcia Kiesling  
Daniel Peters

An ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to R. C. 4928.20, and directing the Stark County Board of Elections to submit a ballot question to the electors, and declaring the same to be an emergency.

3. Personnel and Safety Committee

Chairperson: Daniel Peters  
Vice Chairperson: Dominic Fonte  
Mark Cerreta  
Doug Foltz  
Dan Griffith  
Marcia Kiesling  
Stephanie Werren

- a. An ordinance amending Section 20 COMPENSATION, of Chapter 155 Personnel Regulations of Part One – Administrative Code of the Codified Ordinances of the City of North Canton, to remove the swimming pool positions in accordance with North Canton Ordinance No. 14 – 2015, and for the timely implementation of an essential, part-time payroll manager/administrative assistant position, and declaring the same to be an emergency.
- b. An ordinance repealing and replacing the Public Records Policy section of the City of North Canton Personnel Handbook, and declaring the same to be an emergency.

4. Finance and Property Committee

Chairperson: Dan Griffith  
Vice Chairperson: Marcia Kiesling  
Mark Cerreta  
Doug Foltz  
Dominic Fonte  
Daniel Peters  
Stephanie Werren

An ordinance declaring that certain Fire Department equipment owned by the City of North Canton, is no longer required for municipal purposes, and authorizing the Mayor of the City of North Canton to enter into an agreement with Mahoning County Career and Technical Center to sell a 1989 Pierce Arrow Fire Engine, and declaring the same to be an emergency.

Mary Beth Bailey  
Clerk of Council

North Canton City Council  
Ordinance, Rules and Claims Committee

Ordinance No. - 2015

An ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to R. C. 4928.20, and directing the Stark County Board of Elections to submit a ballot question to the electors, and declaring the same to be an emergency.

WHEREAS, the Ohio General Assembly has enacted electric deregulation legislation ("Am. Sub. S.B. No. 3"), which authorizes the legislative authorities of municipal corporations to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity;

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates that they would not otherwise be able to do individually;

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to R. C. 4928.20, (the "Aggregation Program"), for its City residents, businesses, and other electric consumers, and jointly with other Ohio political subdivisions as permitted by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. This Council finds and determines that it is in the best interest of the City, its residents, businesses, and other electric consumers located within the City corporate limits, to establish aggregation program. Provided that this ordinance and the aggregation program is approved by the electors of the City pursuant to Section 2 of this ordinance, the City is hereby authorized to aggregate in accordance with R. C. 4928.20, the retail electrical loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City may also exercise such authority jointly with other Ohio political subdivisions using Independent Energy Consultants, Inc., an energy broker and aggregator certified by the Public Utilities Commission of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated, and will provide for the opt-out rights described in Section 4 of this Ordinance.

Section 2. That the Mayor is hereby authorized and directed to enter into the agreement, attached hereto, for energy consulting services, and other required services related to electric utility deregulation for the City of North Canton, and ratifying any such services heretofore performed under the terms and conditions of the agreement.

Section 3. The Board of Elections of Stark County is hereby directed to submit the following question to the electors of the City at the general election on November 3, 2015.

Shall the City of North Canton have the authority to aggregate the retail electric loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out, in accordance with R. C. 4928.20, and Ordinance No. \_\_\_\_ adopted by City Council?

The Clerk of this Council is instructed immediately to file a certified copy of this ordinance and the proposed form of the ballot question with the Stark County Board of Elections not less than ninety (90) days prior to November 3, 2015. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this ordinance and the aggregation program provided for herein at the election held pursuant to this Section 2 and R. C. 4928.20.

Section 4. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this ordinance, this Council, individually or jointly, through Independent Energy Consultants, Inc., shall develop a plan of operation and governance for an electric aggregation program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council shall aggregate the electrical load of any electric load center within the City unless in advance, the City clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the aggregation program, and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the aggregation program the opportunity to opt out of the program every three years, without paying a switching fee. Any such person that opts out of the aggregation program pursuant to the stated procedure shall default to the standard service offer provided under R. C. 4928.14 or division (d) of R. C. 4928.35, until the person chooses an alternative supplier.

Section 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton, and further necessary for time is of the essence to hold required two public hearings so the residents of the City of North Canton have the opportunity to give input on the aggregation program before it is placed on the ballot for the November 3, 2015 general election; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

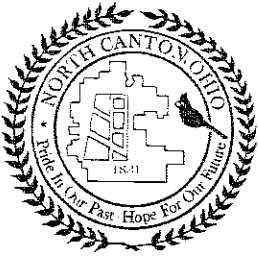
Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council



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Phone: 330-499-8223 Fax: 330-305-0603  
mgrimes@northcantonohio.gov

## CITY OF NORTH CANTON

**Michael J. Grimes**  
Director of Administration

### Legislation Request

To: Daniel J. Peters, Council President  
Date: March 19, 2015  
Subject: City Electrical Aggregation Program

Requesting an ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to section 4928.20, Ohio Revised Code, directing the Stark County Board of Elections to submit a ballot question to the electors.

That the Mayor of the City of North Canton, be, and is hereby authorized to enter into service agreement(s) to facilitate the sale and purchase of electric to consumers in the City's opt-out program. The electrical supply service agreement shall only be with an electrical supplier(s) certified by the Public Utilities Commission of Ohio and shall not exceed four (4) years in duration.

That the Mayor is hereby authorized and directed to enter into an agreement, attached heretofore, with Independent Energy Consultants, Inc. for consulting services and any other required services related to electric utility deregulation for the City of North Canton and ratifying any such services heretofore performed and shall not exceed four (4) years in duration.

EMERGENCY REQUESTED ☒ YES ☐ NO

Time is of the essence by the deadlines required to hold the necessary public meetings and complete any required submissions to make the November 2015 ballot.

Respectfully Submitted,

Michael J. Grimes

Copy;  
File

**RECEIVED**

MAR 19 2015

COUNCIL OFFICE  
NORTH CANTON, OHIO

*Model Example*  
[DRAFT]

**CITY OF NORTH CANTON, OHIO**

ORDINANCE NUMBER \_\_\_\_\_

AN ORDINANCE AUTHORIZING ALL ACTIONS  
NECESSARY TO EFFECT A GOVERNMENTAL  
ELECTRICITY AGGREGATION PROGRAM WITH  
OPT-OUT PROVISIONS PURSUANT TO SECTION  
4928.20, OHIO REVISED CODE, DIRECTING THE  
STARK COUNTY BOARD OF ELECTIONS TO  
SUBMIT A BALLOT QUESTION TO THE ELECTORS

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of municipal corporations to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity;

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually;

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers in the City and in conjunction jointly with any other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK AND STATE OF OHIO, THAT:

SECTION 1. This Council finds and determines that it is in the best interest of the City, its residents, businesses and other electric consumers located within the corporate limits of the City to establish the Aggregation Program in the City. Provided that this Ordinance and the Aggregation Program is approved by the electors of the City pursuant to Section 2 of this Ordinance, the City is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City may exercise such authority jointly with any other political subdivision of the State of Ohio using Independent Energy Consultants, Inc., an energy broker and aggregator certified by the Public Utilities Commission of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 4 of this Ordinance.

SECTION 2. That the Mayor is hereby authorized and directed to enter into an agreement, attached heretofore, with Independent Energy Consultants, Inc. for consulting services and any

other required services related to electric utility deregulation for the City of North Canton and ratifying any such services heretofore performed.

SECTION 3. The Board of Elections of Stark County is hereby directed to submit the following question to the electors of the City at the general election on November 3, 2015.

Shall the City of North Canton have the authority to aggregate the retail electric loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4928.20 of the Ohio Revised Code and Ordinance No. \_\_\_\_ adopted by City Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than ninety (90) days prior to November 3, 2015. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20, Ohio Revised Code.

SECTION 4. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Ordinance, this Council individually or jointly through Independent Energy Consultants, Inc., shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council shall aggregate the electrical load of any electric load center within the City unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

[SECTION 6. INSERT ANY LOCAL CHARTER OR OTHER REQUIREMENTS, -  
FOR EXAMPLE: Notice of the adoption of this Ordinance shall be given once by publishing the title of the Ordinance in an abstract prepared by the Director of Law in a newspaper of general

circulation in the City.]

DATED ADOPTED: \_\_\_\_\_, 2015

Approved by the Mayor

Submitted to the Clerk for  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_, 2015

\_\_\_\_\_

ATTEST:

This \_\_\_\_\_ day of \_\_\_\_\_, 2015



North Canton City Council  
Personnel and Safety Committee

Ordinance No. - 2015

An ordinance amending Section 20 COMPENSATION, of Chapter 155 Personnel Regulations of Part One - Administrative Code of the Codified Ordinances of the City of North Canton, remove the swimming pool positions, in accordance with North Canton Ordinance No. 14-2015, and for the timely implementation of an essential, part-time payroll manager/administrative assistant position, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That Chapter 155 Personnel Regulations of Part One, Administrative Code, specifically, Section 1. GENERAL PERSONNEL REGULATIONS of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

Section 2. **COMPENSATION**

Full-Time Schedule of Compensation: Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Bi-Weekly Compensation
Director of Administration	\$3,510.86
Director of Law	\$3,463.99
Director of Finance	\$3,463.99
City Engineer	\$3,463.99
Chief of Police	\$3,210.72
Chief of Fire & EMS	\$3,210.72
Supt., Permits & Inspection	\$2,599.32
Director of Permits & Development	\$2,599.32
Supt., Utilities & Services	\$2,599.32
Supt., Streets & Parks	\$2,599.32
Superintendent – Drinking Water Plant	\$2,769.24
Supt., Recreation, Buildings & Grounds	\$2,599.32
Operations Managers:	
Recreation, Buildings & Grounds	
Streets & Parks	
Water & Sanitary Sewer	
Drinking Water Plant	\$2,465.68
Chief Building Officer	\$2,465.68
Clerk of Council/Law Dept.	\$2,146.82
Deputy Director of Finance	\$1,962.01
Administrative Assistant/Payroll Clerk	\$1,730.00
Administrative Assistant	\$1,730.00

At all times the position of Director of Permits & Development is filled, the person serving in the capacity shall also hold the title of Superintendent, Permits & Inspection at no additional compensation.

Public Safety – FIRE / EMS

Assistant Fire Chief	\$ 14.96
Fire Captain	\$ 14.60
Fire Captain / EMT – Paramedic	\$ 14.60
Fire Captain / EMT – Basic	\$ 14.60

EMT – Paramedic	\$ 14.60
Firefighter / EMT – Paramedic	\$ 14.60

Public Safety – FIRE / EMS (Cont.)

Firefighter / EMT – Basic	\$ 14.13
Firefighter	\$ 14.13
EMT – Basic	\$ 14.13
EMT Personnel on Standby	\$ 2.21
Manned at Station: PPT or SDP	
Fire/Medic	\$ 13.30
Paramedic	\$ 13.30
Firefighter	\$ 12.30
Basic	\$ 12.30

Part-time employees staffed at station will not receive standby wages and will work a minimum of four hours.

Public Safety – Police

Dispatcher C	\$ 12.21
School Crossing Guard	\$ 11.77
Auxiliary Police	\$ 11.04
Special Patrolman	\$ 14.96

Financial & Clerical

Fiscal/Clerical Specialist	\$ 11.88
Payroll Manager/Admin. Assist.	\$ 19.47

Department of Engineering

Engineering Clerk	
Special Project Inspector	\$ 11.88

Engineering Clerk, Special Project Inspector, and Nuisance Officer shall be paid an amount equal to or less than the amount set forth in the schedule listed above

\$ 16.82

Building & Permits

Building Inspector	
Nuisance Officer	\$ 24.08
	\$ 17.00

Municipal Swimming Pool

Pool Director*	
Assistant Pool Director*	\$6,288.71
Concession Stand Mgr.*	\$4,666.12
Pool Personnel	\$4,891.26
Lifeguard I	Minimum Wage
Lifeguard II	Minimum Wage + 3.5%
Lifeguard/Instructor I	Lifeguard 1 + 3.5%
Lifeguard/Instructor II	Minimum Wage + 15.3%
Head Lifeguard I	Lifeguard/Instructor 1 + 3.5%
Head Lifeguard II	Minimum Wage + 23.1%
Pool Maintenance	Head Lifeguard 1 + 3.5%
*Paid for Season	Minimum Wage

General Government

Summer I	Minimum Wage
Summer II	Minimum Wage + 7.3%
Intern	Minimum Wage + 25.3%
Skilled Worker	\$ 14.50
Laborer	\$ 13.00

Laborer shall be paid an amount equal to or less than the amount set forth in the schedule listed above

Recreation

Class "A" Instructor	\$ 11.00
Senior Program Director**	\$ 203.50

\*\*Paid bi-weekly

A. In the event the Senior Program Director works less than 20 hours in a bi-weekly pay period, the actual hours worked will be paid at the Senior Program Director's applicable hourly rate.

B. That there be and is hereby established an overtime rate of time and one-half after a scheduled eight (8) hours or working a holiday for part-time police officers and part-time radio dispatchers.

C. Effective January 1 of each year, any employee receiving minimum wage shall have their hourly compensation automatically adjusted to reflect the applicable Federal or State minimum wage, whichever is higher.

Section 2. That any and all legislation inconsistent herewith, be, and is hereby repealed.

Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to timely remove the swimming pool positions in accordance with North Canton Ordinance No. 14-2015, and for the timely implementation of an essential, part-time payroll manager/administrative assistant position; wherefore, this ordinance shall take effect and be in force immediately upon its adoption by Council and approval by the Mayor.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

North Canton City Council  
Personnel and Safety Committee

Ordinance No. - 2015

An ordinance repealing and replacing the Public Records Policy section of the City of North Canton Personnel Handbook, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That the Public Records Policy section of the City of North Canton Personnel Handbook, be, and the same is hereby repealed and replaced to read as follows:

**A. MISSION STATEMENT.**

The City believes openness and transparency leads to a better-informed citizenry, which leads to better government, and better public policy. Consistent with the premise that government—at all levels—exists first and foremost to serve the interests of the people, the City's mission and intent is to fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act, R.C. 149.43 et seq., as may be amended from time to time.

**B. DEFINING PUBLIC RECORDS.**

All City records are public unless they are exempt from disclosure under federal or Ohio law. All public records shall be organized and maintained in such a way that they are available for inspection and copying.

A record is defined as a document, in any format, that is created, received, or comes under the City's jurisdiction, and which documents the City's organization, functions, policies, decisions, procedures, operations, or activities.

A "public record" is a "record" that is being kept by the City at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

**C. RESPONSE TIMEFRAME.**

Public records are available for inspection during regular business hours, with the exception of published holidays. Public records shall be made available for inspection promptly. Copies of public records shall be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; staffing levels; the proximity of the location where the records are stored; the necessity for any legal review and redaction of the records requested; and other facts and circumstances of the records requested.

**D. RESPONDING TO REQUESTS.**

No specific language is required to make a request for public records. The requester must at least, however, identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records. If it is not clear what records are requested, the City shall contact the requester for clarification, and shall assist the requester in revising the request by informing the requester of the manner in which the office keeps its public records.

A records request need not be in writing, and the requester does not have to provide the requester's identity or the intended use of the requested public record. However, Ohio law permits the City to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requester by enhancing the City's ability to identify, locate, or deliver the public records that have been requested; and (2) after informing the requester that a written request is not required and that the requester may decline to reveal the requester's identity or intended use of the requested records.

The City must examine each public record request under both state and federal law, which are subject to constitutional and statutory law amendments and

enactments, and an evolving common law. Therefore, a City employee who receives a public record request must advise the Law Director and Administration office without delay. The Law Director shall assist the employee in evaluating and responding to the request. The Administration office shall transmit the City's response to the request and track it for compliance and efficiency by maintaining a log of each public records request together with a copy of the response, and shall be responsible to deliver the City's response to the requester.

An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. And although the City is not obligated to create new records or perform new analysis of existing information to satisfy a public record request, it may accommodate a requester by generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, a City employee must accompany the requester during the inspection to make certain original records are not removed, altered, or destroyed. A copy of the most recent edition of the Ohio Sunshine Laws manual is available via the Attorney General's internet website ([www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)) for the purpose of keeping employees and the public educated as to the City's obligations under the Ohio Public Records Act, Open Meetings Act, records retention laws, and Personal Information Systems Act.

#### **D. ELECTRONIC RECORDS.**

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

#### **E. DENIAL OR REDACTION OF RECORDS.**

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the City must provide the requester an opportunity to revise the request by informing the requester of the manner in which the City maintains and accesses records.

A denial of a public records request must include an explanation and the legal authority. If the initial request was made in writing, the explanation shall also be in writing. If portions of a requested record are public and portions are exempt, the exempt portions shall be redacted and the rest released. The City shall make the redaction plainly visible, and each redaction must be accompanied by a supporting explanation, including the legal authority.

Ohio's General Assembly has passed a number of laws that protect certain records by requiring or permitting a public office to withhold them from public release. If the City invokes one of these exceptions, it may only withhold a record or part of a record clearly covered by the exception, and it must tell the requester the legal authority it is relying on to withhold the record.

#### **F. COPYING AND MAILING COSTS.**

Those seeking public records may be charged only the actual cost of making copies, not the labor cost. Currently, the established cost to reproduce records is as follows:

1. The cost for black and white photocopies is three cents (\$.03) per single-sided sheet; the cost for two-sided black and white photocopies is six cents (\$.06) per sheet.
2. The cost for color photocopies is 13 cents (\$.13) per single-sided sheet; the cost for two-sided color photocopies is 26 cents (\$.26) per sheet.
3. The cost for a black and white digital scan of a document is one cent (\$.01) per page. The cost for a color digital scan of a document is nine cents (\$.09) per page.
4. For discs, video, or cassette tapes, the fee shall be the replacement cost for the requested medium. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the requested copies.

5. Persons requesting photographs pursuant to this policy shall be charged the actual cost incurred by the City for the reproduction of the photographs.
6. For any other type of media, the fee shall be the replacement or reproduction cost for that particular media.
7. The cost of copies shall be analyzed and updated from time-to-time as the cost of reproducing records changes.
8. Established costs and fees under this policy shall be clearly posted and visible to the public.

A requester may be required to pay in advance for the actual costs involved in providing the copy. A requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the City determines that the record can reasonably be duplicated as an integral part of the City's normal operations.

If a requester asks that documents be delivered, the requester may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery.

#### **G. DELIVERY METHODS.**

A requester may personally pick up requested copies of public records, or may send a designee, after having providing the applicable record custodian notice of the designation. Based upon the requester's choice, the City's Administration office shall transmit copies of public records via the U.S. mail, or by any other reasonable means of delivery or transmission available to City. Copies of public records may be transmitted by e-mail if the City maintains the records electronically, or it determines that it reasonably can duplicate the requested records into electronic form as an integral part of its normal operation.

#### **H. MANAGING RECORDS.**

City records are subject to records retention schedules. The City's current schedules are available at City Hall, a location readily available to the public as required by Ohio Revised Code 149.43(B)(2).

#### **I. POLICY POSTING AND DISTRIBUTION.**

The City's Administration office shall create a poster describing the above policy and post it in a conspicuous place in City Hall, Station 1 - Fire Division, Station 2 - EMS Division, the Service Center, the Water Treatment Plant, and the Civic Center. This policy shall be included in the employee handbook, and the record custodian for each City department that maintains public records shall acknowledge, in writing, receipt of this policy.

- |            |  |
|------------|--|
| Section 2. | That any and all legislation inconsistent herewith, including Ordinance No. 139-07 be, and is hereby repealed.   |
| Section 3. | That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.  |
| Section 4. | That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to promptly update and refresh public record policies and publications, and educate all City employees regarding Ohio's Public Records Act, together the City's policy to comply or exceed therewith; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law. |

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council

North Canton City Council  
Finance and Property Committee

Ordinance No. - 2015

An ordinance declaring that certain Fire Department equipment owned by the City of North Canton, is no longer required for municipal purposes; and authorizing the Mayor of the City of North Canton to enter into an agreement with Mahoning County Career and Technical Center to sell a 1989 Pierce Arrow Fire Engine, and declaring the same to be an emergency.

WHEREAS, the City of North Canton desires to sell a 1989 Pierce Arrow Fire Engine no longer needed by the Fire Department; and

WHEREAS, Mahoning County Career and Technical Center plans to purchase the 1989 Pierce Arrow Fire Engine for their fire training course(s).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That the Mayor of the City of North Canton, is hereby authorized to sell the 1989 Pierce Arrow Fire Engine which is no longer utilized by the Fire Department to Mahoning County Career and Technical Center for its fire training course(s) for the sum of \$10,000.
- Section 2. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely sale of the 1989 fire engine no longer needed by the City, and to respond to the Mahoning County Career and Technical Center's urgent request for equipment for their fire training course(s); wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015

\_\_\_\_\_  
David Held, Mayor

Signed: \_\_\_\_\_, 2015

ATTEST:

\_\_\_\_\_  
Mary Beth Bailey, Clerk of Council





145 North Main St. · North Canton, OH 44720  
Phone: 330-499-8223 Fax: 330-305-0603  
mgrimes@northcantonohio.gov

## CITY OF NORTH CANTON

**Michael J. Grimes**  
Director of Administration

### Legislation Request

To: Daniel J. Peters, Council President

Date: March 31, 2015

Subject: Authorization to Sell Fire Truck

Requesting that the Mayor of the City of North Canton be authorized to enter into an agreement and sell certain Fire Department equipment owned by the City of North Canton, Ohio that is no longer required for municipal purposes namely, one 1989 Pierce Arrow Fire Engine.

The Fire Engine is to be sold to Mahoning County Career & Technical Center, also known as MCCTC, 7300 North Palmyra Rd, Canfield, Ohio 44406 to be used for their fire training course(s) for a sum of ten thousand (\$10,000.00) dollars.

The proceeds from the selling of the above mentioned Pierce Arrow Engine is to be applied towards the City's purchase of a new 2015 KME Predator Fire Engine.

EMERGENCY REQUESTED ☒ YES ☐ NO

This offer is better than the original trade-in price however the training school requires the truck as soon as possible per their offer.

Respectfully Submitted,

Michael J. Grimes

Copy;  
Fire Chief Bacon  
File

**RECEIVED**

MAR 31 2015

COUNCIL OFFICE  
NORTH CANTON, OHIO